

Attorney Docket No. 031673-003000
Patent

REMARKS

Claims 15-19, 21, 33-37, 39-49, and 51-60 are pending. No new matter has been introduced in the amendments, as described hereinbelow.

Applicants have amended independent claims 15, 33, 40 and 51 by incorporating the elements of claims 20, 38, 50 and 61 (wherein said poly glutamic acid is poly γ D-glutamic acid (γ D-PGA)), respectively. Claims 20, 38, 50 and 61, as well as claims 1-14 and 22-32, are cancelled.

Claims 16 and 21 have been revised by substituting the phrase "poly glutamic acid" with the term " γ D-PGA." As for claims 34, 39, 45 and 56, Applicants have amended these claims by inserting the term " γ D-" in between the terms "soluble" and "PGA."

Due to the cancellation of claim 38, the claim dependency of claim 39 has been changed to claim 37.

Applicants respectfully submit that the above-mentioned amendments to the claims are supported by the entire specification, particularly at pages 24-37, Examples 1-7. Accordingly, Applicants earnestly request that the Examiner enter these amendments.

Claim Rejection of Claims 33-36 Under 35 U.S.C. § 112, First Paragraph

On page 3 of the Office Action, the Examiner maintained his enablement rejection of claims 33-36 under 35 U.S.C. §112, first paragraph. More specifically, the Examiner contends that the specification fails to enable one of ordinary skill in the art to detect or stage an anthrax infection. Applicants respectfully traverse this rejection.

To overcome the rejection and expedite allowance of the instant application, Applicants have cancelled dependent claim 38 and amended independent claim 33 and dependent claim 34 by incorporating the recited element of cancelled claim 38, *i.e.*, γ D- poly glutamic acid or γ D-PGA into these claims.

Based on the foregoing remarks and claim amendments, Applicants respectfully submit that independent claim 33, as well as its dependent claims 34-36, are enabled.

Attorney Docket No. 031673-003000
Patent

Reconsideration and withdrawal of the rejection under section 112, ¶1, are, therefore, earnestly requested.

Claim Rejection of Claims 15-21 and 36-61 Under 35 U.S.C. § 112, First Paragraph

On pages 4-5 of the Office Action, the Examiner issued a second enablement rejection for claims 15-21 and 36-61 under 35 U.S.C. § 112, first paragraph, for the same reason as provided in the above-mentioned rejection. Applicants respectfully traverse the rejection.

Similar to the above rejection, Applicants have cancelled dependent claims 20, 38, 50 and 61 and amended independent claims 15, 33, 40 and 51, including dependent claims 16, 21, 34, 39, 45, and 56 by incorporating the recited elements of the cancelled dependent claims into the amended claims. Accordingly, claims 15-16, 21, 33-34, 39-40, 45, 50-51 and 56 have been revised by either substituting the phrase "poly glutamic acid" with "γD-PGA" or inserting the term "γD-" in between the terms "soluble" and "PGA" into the appropriate claims.

In light of the amendments and above remarks, Applicants respectfully submit that the pending claims are now enabled. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the enablement rejection of claims 15-19, 21, 33-37, 39-49 and 51-60.

Attorney Docket No. 031673-003000
Patent


CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly requested. A fee for extension of time for three (3) months is due for filing this response. The Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380 referring to Attorney Docket No. 031673-003000.

Should the Examiner have any questions that would facilitate further prosecution or allowance of this application, the Examiner is invited to contact the Applicants' representative designated below.

Respectfully submitted,

Date: October 3, 2006



Jeffrey A. Lindeman
Reg. No. 34,658

Customer No. 022204
NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington, DC 20004-2128
Tel.: (202) 585-8000
Fax: (202) 585-8080